

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


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|--|--|
| BRIAN FIELDER,                         | )  |
| Plaintiff                              | )  |
|  | )  |
| vs.                                    | ) Civil Action No. 09-881                      |
|  | ) Judge Nora Barry Fischer/                    |
| JUDGE FRANCIS J. FORNELLI; JUDGE       | ) Chief U.S. Magistrate Judge Amy Reynolds Hay |
| JOHN C. REED; JUDGE THOMAS R.          | )  |
| DOBSON; ROBERT G. KOCHEMS,             | )  |
| District Attorney; RYAN BONNER,        | )  |
| Assistant District Attorney; MR. GILL, | )  |
| Warden of Mercer County Prison; MRS.   | )  |
| CRAIG, Deputy Warden of Mercer County  | )  |
| Prison; MR. MORGANSTERN, Deputy        | )  |
| Warden of Mercer County Prison;        | )  |
| SUPERINTEDENT MICHAEL HARLOW;          | )  |
| FRED RUFO, Superintendent Deputy; MR   | )  |
| MAHLMEISTER, Superintendent Deputy;    | )  |
| SECRETARY JEFFREY A. BEARD, Ph.D.)     | )  |
| Defendants                             | )  |

**ORDER**

AND NOW, this 11<sup>th</sup> day of August, 2010, after the Plaintiff, Brian Fielder, filed an action in the above-captioned case, and after a Motion for Preliminary Injunction was filed by Plaintiff, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the Plaintiff until July 19, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Preliminary Injunction [13] is denied as moot.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

  
NORA BARRY FISCHER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
Chief United States Magistrate Judge

Brian Fielder  
HB-1296  
SCI Albion  
10745, Route 18  
Albion, PA 16475-0002